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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/315,599	05/20/99	SHRIVASTAVA	R ALSC-00300

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MM91/1108

EXAMINER

HA,N

ART UNIT

PAPER NUMBER

2814

DATE MAILED:

11/08/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trad marks**

## Office Action Summary

Application No.

09/315,599

Applicant(s)

SHRIVASTAVA, RITU

Examiner

Nathan Ha

Art Unit

2814

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 11-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some \* c) ☐ None of the CERTIFIED copies of the priority documents have been:
1. ☐ received.
  2. ☐ received in Application No. (Series Code / Serial Number) \_\_\_\_\_.
  3. ☐ received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. & 119(e).

### Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 18) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

## DETAILED ACTION

### *Election/Restrictions*

1. Applicant's election without traverse of claims 1-10 in Paper No. 3 is acknowledged.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, and 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta (US. 5,679,599) in view Leedy. (US. 6,133,640).

In regards to claim 1, in figs. 12-18, Mehta discloses a semiconductor device comprising a common substrate 100; an SRAM device implemented on the substrate. Mehta does not mention about the flash EPROM device on the common substrate. Leedy, however, discloses that the structure of SRAM and EEPROM is in a common substrate needed in densely packed regions where the active spacing is small, see col. 1, lines 43-50.

Therefore, it would have been obvious to one of ordinary skill in the art of the time the invention was made to use leedy's method in Mehta in order to have packed regions where the active spacing is small, and the reduction in the fabrication of

memory cell circuitry has resulted in denser and denser memory IC's, thus increase area of the IC's.

In regards to claims 2 and 3, the first isolation is STI, and the second isolation is LOCOS isolation.

In regards to claims 1-3, 5, 7-8, note that process limitations in claims 1-3, 5, and 7-8 (STI, LOCOS isolation technique, etc.), do not carry weight in a claim drawn to structure. In re Thorpe, 227 USPQ 964 (Fed. Cir. 1985).

In regards to claims 7-9, all mentioned above.

4. Claims 4, 6, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mehta and Leedy as applied to claims 1, 5, and 9 above, and further in view of Voois et al. (US. 6,124,882).

In regards to claims 4, 6, and 10, Mehta as taught by Leedy discloses all of the limitations as mentioned above. However, Mehta fails to disclose the SRAM device is coupled to the flash EPROM device for transmitting signals between the SRAM device and the flash EPROM device. Voois, on the other hand, discloses the SRAM device is coupled to the flash EPROM device for transmitting signals between the SRAM device and the flash EPROM device to reduce the area of the device, see col. 6, lines 33-43.

Therefor, it would have been obvious to one of ordinary of skill in the art of the time of the invention was made to use Voois's device in Mehta in order to reduce the area of the MOS device.


**Conclusi n**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathan Ha whose telephone number is (703) 305-3507. The examiner can normally be reached on M-F 9:00-5:00(EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Olik Chaudhuri can be reached on (703) 306-2794. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and 308-3432 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

Nathan Ha  
November 1, 2000

  
Olik Chaudhuri  
Supervisory Patent Examiner  
Technology Center 2800